IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)							
	Plaintiff,	8:12CR282					
	vs.) DETENTION ORDER					
ΑD	RIAN PISARES-VALENZUELA,						
	Defendant.	'					
A.	Order For Detention After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on August 29, 2012, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).						
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 						
C.	The Court's findings are based on the evidence which was presented in court and contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: a conspiracy to distribute and possess with intent to distribute methamphetamine (Count I) in violation of 21 U.S.C. § 846 carries a minimum sentence of ten years imprisonment and a maximum of life imprisonment. (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances, to wit:						
	may affect wheth The defendant h X The defendant h X The defendant h X The defendant of ties. Past conduct of The defendant h	appears to have a mental condition which the defendant will appear. It is not a long time resident of the community. It does not have any significant community the defendant: It is a history relating to drug abuse. It is a history relating to alcohol abuse. It is a prior record of failure to appear at					

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			Parole	
			Release pending trial, sentence, appeal or completion	on of
	sentence.			
	(c) Other Factors:			
			<u>X</u> The defendant is an illegal alien and is subje	ct to
			deportation.	
			The defendant is a legal alien and will be subje	ct to
			deportation if convicted.	
			X The Bureau of Immigration and Custom Enforcer	nent
			(BICE) has placed a detainer with the U.S. Marshal. Other:	
			Other	
Χ	(4)	The r	ture and seriousness of the danger posed by the defende	ant's
	(.)		are as follows: The nature of the charges in the Indictment.	
Χ	(5)	Rebu	able Presumptions	
	` ,		mining that the defendant should be detained, the Court also r	elied
		on th	following rebuttable presumption(s) contained in 18 U.S.	C. §
			which the Court finds the defendant has not rebutted:	
	X	(a)	hat no condition or combination of conditions will reasor	
			ssure the appearance of the defendant as required and the s	
			of any other person and the community because the Court finds	s tnat
			ne crime involves:	
			 (1) A crime of violence; or X (2) An offense for which the maximum penalty is 	c lifa
			imprisonment or death; or	3 1116
			X (3) A controlled substance violation which has a max	kimum
			penalty of 10 years or more; or	
			(4) A felony after the defendant had been convicted	of two
			or more prior offenses described in (1) through	
			above, and the defendant has a prior conviction	
			one of the crimes mentioned in (1) through (3) a	
			which is less than five years old and which	
		committed while the defendant was on pretrial rele		
X (b) That no condition or combination of conditions will reason				
assure the appearance of the defendant as required and the				
of the community because the Court finds that there is proba			able	
			ause to believe:	allad
			X (1) That the defendant has committed a control substance violation which has a maximum pena	
			10 years or more.	ity Oi
			(2) That the defendant has committed an offense un	ider 18
			U.S.C. § 924(c) (uses or carries a firearm during	
			in relation to any crime of violence, including a crir	
			violence, which provides for an enhanced punish	
			if committed by the use of a deadly or dange	
			weapon or device).	-

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 29, 2012. BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge